

29150. Adulteration of canned corn. U. S. v. 868 Cases of Corn. Consent decree of condemnation. Product released under bond for salvaging of good portion. (F. & D. No. 42886. Sample Nos. 22075-D, 22082-D.)

This product was in part decomposed.

On June 7, 1938, the United States attorney for the Northern District of Illinois, acting upon a report filed by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 868 cases of canned corn at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 28 and 29, 1938, from Tipton, Ind., by Underwriters Salvage Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 15, 1938, Joseph Swidler, trading as Outlet Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the good portion.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29151. Adulteration and misbranding of whitefish caviar. U. S. v. 4 Jars and 17 Jars of Whitefish Caviar (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42292, 42312, 42313, 42356, 42383. Sample Nos. 958-D, 10606-D, 10607-D, 10618-D, 13174-D, 13175-D.)

Samples of this product were found to be infested with parasitic worms and in some instances to contain miscellaneous dirt. In addition, four lots were short weight.

On May 2, 5, 11, and 13, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 284 jars of whitefish caviar in various lots at Philadelphia and Wilkes-Barre, Pa., Hartford, Conn., and Boston, Mass.; alleging that the article had been shipped in interstate commerce on various dates between December 15, 1936, and April 5, 1938, from New York, N. Y., by Vita Food Products, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions were labeled: "White Fish Caviar Vita Brand * * * Packed By Vita Food Products, Inc. [or "Packed By Vita Fish Preserving Works"]"; or "Choisa White Fish Caviar * * * Packed Expressly For S. S. Pierce Co. Boston."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

Certain lots were alleged to be misbranded in that the statements on the label, "Net Weight 16 Oz. [or "4 Ozs.]," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 8, 15, and 30, and August 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29152. Misbranding of peaches. U. S. v. 471 Baskets of Peaches. Default decree of condemnation and destruction. (F. & D. No. 42461. Sample No. 16816-D.)

Four of the five lots of peaches in this shipment were under the sizes declared, and the remaining lot fell below the grade declared and also was in part undersized.

On May 27, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 471 baskets of peaches at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 21, 1938, from Byron, Ga., by Artis L. Smith; and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously: "Georgia Peaches C. C. Lowe Byron Georgia Uneeda 1-5/8 [or "1-3/4" or "1-7/8"] inch"; "Quality First Artis L. Smith Fort Valley Georgia Uneeda Min. 1-7/8 [or "2"] inch"; "Georgia Peaches Oakland Fruit Farm Byron Georgia * * * 1-7/8 in. min."; "Willingham Brand Willingham Fruit Farm Byron Georgia Uneeda 1-7/8 Min."; "Georgia Peaches K & B Brand K & B Farms, Inc., Byron, Georgia Red Bird U. S. No. 1 2 inches up [or "2-1/4 up" or "2-1/2 up"]."